

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 3, 2015

FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

IN REPLY REFER TO:  
DIR-CZ  
1.1521

CERTIFIED MAIL RETURN RECEIPT REQUESTED

2015 FEB 4 12:55PM

Chief, Water II Enforcement Office  
Enforcement Division, ENF 3-2  
U.S. EPA, Region 9  
75 Hawthorne St  
San Francisco, CA 94105

To Whom It May Concern:

Subject: Department of Transportation, Consent Decree (Entered on November 5, 2014)  
Civil Action CV14-00408-JMS-KSC

In accordance with Paragraph B.1, Appendix A of the above Consent Decree, the DOT submits the professional services solicitation with specifications for the compliance evaluation (audit) of DOT MS4 permits for review and approval.

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gather and present the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowingly and willfully submitting a materially false statement.

Should you have any questions, please contact Mr. Chris Takeno, Office of the Director, at (808) 831-7997, or email Chris.Takeno@hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ford N. Fuchigami", is written over a horizontal line.

FORD N. FUCHIGAMI  
Director of Transportation

Enclosure

c: Chief, Environmental Enforcement Section, DOJ  
✓ Enforcement Section Supervisor, Clean Water Branch, DOH  
Edward G. Bohlen, Deputy Attorney General, Department of the Attorney General

## NOTICE TO PROVIDERS OF PROFESSIONAL SERVICES

In accordance with Section 103D-304, HRS, the Department of Transportation seeks the services of qualified architectural and/or engineering firms to provide services for ENVIRONMENTAL ENGINEERING SERVICES TO EVALUATE COMPLIANCE OF DOT MS4 PERMITS, project no. OSC 15-01. These services are anticipated to be immediately required. The contract will be a Lump Sum contract in accordance with HAR 3-122-136, with an overall contract time of performance of 3.5 years.

The project scope includes the acquisition of a professional environmental engineering consultant to provide compliance evaluation (audit) of State of Hawaii Municipal Separate Storm Sewer System (MS4) permits issued to DOT Airports, Highways and Harbors Statewide to ensure compliance with State/Federal regulations and Consent Decree (entered on November 5, 2014, Civil Action 14-CV-00408-JMS-KSC) requirements. The Consent Decree is provided in the Specifications labeled "Consent Decree". The estimated environmental engineering services cost is \$\_\_\_\_\_.

Individuals or firms shall email a PDF file of their response to the attached written questionnaire which can be viewed by clicking on "More Info" and then on "View Specifications Document." The PDF file shall be named as follows:

"OSC15-01Year.Month.Day\_FirmName" and e-mailed to [chris.takeno@hawaii.gov](mailto:chris.takeno@hawaii.gov) with the Year.Month.Day portion of the file name being in two digit format (example: 15.10.01). The subject line of the email shall be the same as the PDF file name to ensure that responses from all interested individuals or firms are grouped together when retrieving the emails. The DOT will not be responsible for responses not being retrieved and evaluated for this project due to individuals or firms not having the correct email subject line.

Include in your firm's submittal Proof of Insurance for:

- a. General liability insurance for limit of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The STATE shall be named as additional insured.
- b. Automobile liability insurance for limit of not less than \$1,000,000 per accident.

The STATE shall be named as additional insured.

- c. Professional liability insurance for limit of not less than \$1,000,000 per claim and \$2,000,000 annual aggregate.

If a firm is not able to provide the above insurance certificates at this time, a letter from an insurance company stating, if the firm is selected, they will insure the firm for the insurance policies and the amount of minimum coverage required above, will be accepted as proof of insurance.

The response to the questionnaire will be evaluated by the following criteria:

1. Experience and professional qualifications relevant to the project - 35%
2. Past performance on projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies - 33%
3. Capacity to accomplish the work in the required time - 32%

Individuals or firms who are not on the DOT's qualified list, and wish to be considered in the selection for this project must also submit a separate PDF file, named the "Company's Name", e-mailed to [chris.takeno@hawaii.gov](mailto:chris.takeno@hawaii.gov), and shall include the following:

- 1) letter of interest (including an email address(es) for notification of future notices),
- 2) completed DPW Form 120 or Standard Federal Form 330, and
- 3) any other related information.

The PDF file(s) must be received by 4:30 p.m., Hawaii Standard Time, on **[DUE DATE]** which shall be based on the email date/time of the PDF file transmission. Compact disks will not be considered as an acceptable substitute for the email transmission requirement. Any emails received after the deadline shall constitute the response as being non-compliant and the response submittal will not be considered for this project.

The Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation issued pursuant to such

Act, hereby notifies all firms that it will affirmatively insure that in any contract entered pursuant to this advertisement, disadvantaged business enterprises (DBEs) will be afforded full opportunity to participate in response to this advertisement, and will not be discriminated against on the grounds of race, color, or national origin, or sex in consideration for an award.

The U.S. Department of Transportation Regulations entitled "Participation by Disadvantaged Business Enterprise in Department of Transportation Programs", Title 49, Code of Federal Regulations, Part 26 is applicable to this project. Firms must take all necessary and reasonable steps in accordance with the regulation to ensure that DBEs have equal opportunity to compete for and perform on this contract.

Campaign contributions by State and County Contractors. Contractors are hereby notified of the applicability of Section 11-355, HRS, which states that campaign contributions are prohibited from specified State or county government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body. For more information, contact the Campaign Spending Commission at (808) 586-0285.

If there are any questions, please call Chris Takeno at (808) 831-7997.

Ford N. Fuchigami  
Director of Transportation

Internet Posting:

Questionnaire for  
Environmental Engineering Services to Evaluate Compliance of DOT MS4 Permits  
Project No. OSC 15-01

Experience and professional qualifications relevant to the project

1. This project will require a professional environmental engineering firm to evaluate regulatory and administrative compliance (audit) of Hawaii National Pollutant Discharge Elimination System (NPDES) General Permit Authorizing Discharges of Storm Water and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Hawaii Small MS4 General Permit) issued to Honolulu Harbor, Kalaeloa Barbers Point Harbor, Kahului Airport and Highways Maui District; Municipal Separate Storm Sewer Systems (MS4) permits issued to Airport Honolulu International Airport and Highways Oahu District; and applicable Storm Water Management Plans (SWMPs).

The emphasis of this project is to audit the above mentioned permits, and applicable SWMPs in accordance with State/Federal requirements and Consent Decree (See Specifications) for each of the following program elements:

- i. Post Construction/Permanent BMP
- ii. Construction Site Runoff Control
- iii. Public Outreach/Public Involvement
- iv. Illicit Discharge Detection and Elimination Industrial Commercial Activities/Tenant
- v. Pollution Prevention/Good Housekeeping
- vi. Staffing, Funding, Organizational Structure, Availability of Resources and Storm Water Program Sustainability

Other tasks associated with this project will include, but not limited to: review of documents related to program elements, perform onsite audits, write audit reports for each program element, notification of potential violations within 48 hours after discovery to DOT, and provide audit finding recommendations.

- a. Please describe your firm's experience in providing professional environmental evaluation (or audits) of storm water permits, storm water management plans, or storm water programs with emphasis on MS4 permits. Specifically cite your firm's roles and responsibilities for each project or contract.
- b. Please describe your firm's experience in providing professional services to perform inspections for storm water compliance. In particular, illicit discharge detection connection inspections; Best Management Practice (BMP) compliance inspections at commercial/industrial facilities; sediment and erosion control inspections at construction sites; storm water outfall inspections; and post construction BMP inspections. Specifically cite your firm's roles and responsibilities for each project or contract.

- c. Please describe your firm's experience developing, managing and implementing storm water programs, including: public education and involvement; illicit discharge detection and elimination; BMP compliance inspections; sediment and erosion control at construction sites; storm water outfall inspections; storm water compliance training; creating annual MS4 reports; evaluating and recommending staff, resources, funds and organization to sustain a storm water program and; post construction BMPs. Specifically cite your firm's roles and responsibilities for each project or contract.
- c. Please provide a sample audit work plan to demonstrate your firm's experience and expertise in writing a plan which will fulfill the requirements and schedule as noted in the Consent Decree (Specifications). The sample audit work plan shall include but not limited to: audit scope, identification of auditors; key audit tasks; coordinating onsite audits; logistic support for auditors; schedule of tasks, milestones and deliverables; written procedures to notify potential violations within 48 hours after discovery; and quality control procedure to ensure all reports are factual, clear, organized and objective.

Past performance on projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies

2. a. Please describe your firm's experience in providing professional environmental engineering compliance and management support for other relevant or noteworthy projects in the State of Hawaii. Specifically cite your firm's roles and responsibilities for each project or contract.
- b. For storm water management, compliance evaluations or other pertinent projects where your firm has provided environmental engineering service or support, please list the following:
  - Project title, location, year completed and scope
  - Client's name and phone number
  - Client's primary project manager or contract administrator
  - Successful project elements
  - Project challenges and how they were overcome
  - How successes or lessons learned can apply to this contract

Capacity to accomplish the work in the required time

3. Please identify your firm's organizational chart as to how this project will be staffed, at a minimum, by the following classifications:
  - \* Project Manager – (maximum of one employee)
  - \* Environmental Engineer/Scientist – (maximum one employee)

\* Environmental Specialists – (maximum three employees)

Submit a resume, training certificates and certifications for each employee listed, the employees' State in which they reside, specific projects worked on in the State of Hawaii, and the role of that employee. Note that preference will be given to those employees who are based in the State of Hawaii.

4. List all current project(s) for each listed employee and the expected project completion dates.
5. Please list all of your firm's contract(s) with the Department of Transportation, the amount of the contract(s), and the status of the contract(s).
6. The following are policies with regard to consultant contracts and will apply to your firm and subconsultant(s). Please provide an explanation for any of the conditions that your firm cannot meet:
  - a. Unless a field office is set up at the project site and staffed with a contract administrator and/or a clerical type of position, these positions will not be considered as project chargeable, and shall be considered as an overhead expense unless otherwise allowed by the State for other project tasks.
  - b. The direct labor rates shall be the actual rates, supported by the latest payroll register for each employee. Hourly rates will be based on 2,080 hours per year. If there are multiple employees per classification, then an average rate shall be used. If payroll registers are not available, then the corresponding DAGS classification and maximum hourly rates will be used. There will be no increases to the direct labor rates during the contract time period.
  - c. The maximum allowable multiplier factor (overhead rate and profit) shall be 2.88. However, the overhead rate shall be the actual overhead rate, subject to an Airports Division or any other Department of Transportation Division audit. Federal audits will not be accepted. The profit rate shall be limited to 10% maximum.
  - d. If your firm is selected, your firm will be obligated to staff the project in accordance with the organizational chart submitted in question 3, regardless of work order timing. The DOT will have the authority to request that certain key employee(s) be added and/or deleted from the organizational chart. If a request is made to delete key employee(s), those employee(s) shall be promptly replaced with another employee(s) subject to the DOT's approval.

# SPECIFICATIONS

Copy of Consent Decree (Civil Action CV14-00408-JMS-KSC) entered November 5, 2014:

Hawaii DOT Harbor website:

<http://hidot.hawaii.gov/harbors/files/2013/01/11-Consent-Decree.pdf>

SPO website:

[http://spo3.hawaii.gov/notices/notices/\[notice #####\]](http://spo3.hawaii.gov/notices/notices/[notice #####])

Click on "More Info"